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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OLmos; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

DECLARATION OF AMY KATZ REGARDING EVENTS OF JULY 21 & 26-27, 2020

I, Amy Katz, declare:

1. I am a California resident who lives in the City of Santa Barbara. I am a freelance photojournalist, and I have covered protests around the country since the murder of George Floyd. My footage and photos have been published in the *Wall Street Journal*, the *New York Daily News*, the *Guardian*, *TIME*, *Mother Jones*, the *Independent*, the *New York Times*, and have been featured on Good Morning America and ABC News. If called as a witness, I could and would testify competently to the facts below.

2. I arrived in Portland on July 21, 2020, and have covered the protests since then. When I cover the protests, I wear my press pass, issued by Zuma Press. For the events described below, I was also carrying a Canon Rebel T7 with an 18-55mm lens. In addition, on the night of July 26, I was wearing a hat and a tank top both with the word “PRESS” on them in big bold letters.

3. I have been directly attacked by federal agents twice, as I was identifying myself as press, in addition to the nightly horror of being shot at and tear-gassed along with everyone within blocks of the courthouse. The first was on July 21, which was before the Court ordered federal officers to stop targeting press. The second was on July 27, after the Court issued its restraining order.

4. On July 21, I arrived in Portland around 2:00 a.m., parked my car about half a block from the federal courthouse, walked to a corner where a few journalists had congregated and began talking to them.

5. Fairly soon afterwards, federal agents began a push across Lownsdale Square to disperse protesters. I recorded a video of the following events, a true and correct copy of which can be viewed here: <https://tinyurl.com/FedsGasPress721>.

6. I filmed from the side, walking along the north side of SW Salmon Street, keeping pace with the agents. A couple of them tried to disperse me, too, but I smiled, held up

my press pass, waved, and continued walking and filming, and they left me alone. I continued filming this way until the intersection with SW 4th Avenue.

7. The following events begin at about 1:45 into the video. One agent walked up to me very aggressively from the south, motioning for me to disperse. As before, I smiled, held up my press pass, waved, and continued filming. Before I even had time to process that he was trying to disperse me, another agent fired a number of pepper balls or similar munitions at me. As I began to turn and run, the aggressive agent also threw a tear-gas grenade directly at my feet. I yelled that I was press, but no one cared.

8. I began coughing and gagging; I couldn't breathe and was totally blinded. There was no line or tape or barrier indicating that I couldn't be on that street. Nor were there any protesters that the agents might have been aiming at, because they had all been dispersed to the west. The only other person near me was a fellow journalist. The agent threw the canister directly at us.

9. Soon afterwards, the tear-gas symptoms forced me to go to my hotel and I could not continue my reporting. The following day, I discovered that I had sprained my leg, my eyes and lips still burned, sunlight hurt my eyes, my tongue was swollen, and I had diarrhea.

10. In the early morning of July 27, I was again covering the protests, and I witnessed federal agents arrest a man with what clearly seemed to be excessive force, throwing him down a flight of outdoor stairs. I was taking photographs and an agent stepped in front of me to prevent me from reporting. I took a step to the side of the agent and he physically shoved me away. Then, another agent arrived and together they took the man away.

11. The tenor of the night seemed to me to be especially tense, even accounting for the generally tense nature of the Portland protests. There was a group of press standing together nearby, and I thought perhaps we would be more obvious as press if we tried to do our job as a group. So I suggested that we all approach the federal agents together, as a group, with our badges held high, shouting that we were press. I wanted to approach the federal agents for two reasons: First, because our job is to report on them, and second, because press are generally safer

when near law-enforcement than when near protesters. I recorded a video of the following events, a true and correct copy of which can be viewed here:

[https://tinyurl.com/FedsShootJournoGroup.](https://tinyurl.com/FedsShootJournoGroup)

12. We moved in a single-file line down the right side of SW Main Street towards the intersection with SW 2nd Avenue, where federal officers were standing. Our hands were up and our badges were in the air. We were at least 75 feet away from most of the protesters, with the exception of one or two people to our side who may or may not have been protesters but were not doing anything threatening or violent, or even moving in the direction of federal property. Nevertheless, federal agents bombarded us with munitions. One hit me in the side, causing a massive contusion or hematoma.

13. This is a true and correct copy of a photograph I took of me with my press pass in the early hours of July 27, after I returned to my hotel room:



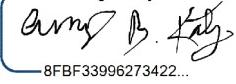
14. This is a true and correct copy of a photograph I took of the wound in my side the next day:



15. Because of how federal agents treated me, I have stopped covering the Portland protests. I fear for my life in the presence of these federal agents who are acting like this is a war zone and who do not care about this Court's orders or the rule of law. So I left Portland today, even though that means I can't work as intended. My family and friends also fear for my life.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 30, 2020

DocuSigned by:

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Amy Katz